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Byse Retires

By Janine Dlutowski

For the first time in over a quarter-century, no HLS student will attend a Contracts or Administrative Law class taught by Prof. Clark Byse. Complying with Harvard's retirement policy, Prof. Byse presented his last HLS lecture at the end of the 1984-1985 academic year. He continues to maintain an office here, but he will no longer teach.

Byse presently holds the position of Mason Ladd Distinguished Visiting Professor at the University of Iowa College of Law for the Fall of 1985, where he is teaching Administrative Law. In addition, Byse is preparing a special lecture on trends in legal education over the past fifty years, based on his own experiences and observations. He will return to Massachusetts in the spring of 1986, to teach at Boston University Law School.

Prof. Byse's distinguished career in legal education began at the University of Iowa in 1939, when Mason Ladd was dean of the law school. It was, in part, his admiration of Dean Ladd which prompted Byse to accept the position named in his honor.

Byse devoted the years 1941-1946 to government service as an attorney for the Securities and Exchange Commission, the Board of Economic Warfare, the Department of Commerce, and as a lieutenant in the Navy during World War II. In 1946, he returned to the world of legal academia at the University of

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Joe Gourneau

Korean opposition leader Kim Young Sam addresses HLS Human Rights Program forum.

Kim Speaks On Human Rights

By Maurice S. Kane

On Monday, Sept. 23, South Korean opposition leader Kim Young Sam, a seven-time member of the South Korean National Assembly and former political prisoner, spoke about human rights and global peace before approximately 200 people in Austin North.

Sponsored by the HLS Human Rights Program, this year's inaugural address in the Human Rights Speaker Series was entitled "My Country and My Country's Truth: Contemporary Politics in South Korea." Kim spoke in the Korean language; his translator, reading from a prepared text, was Professor Choi Sung-il of the Political Science Departments of Hobart and William Smith Colleges.

Throughout his speech, Kim emphasized the historical camaraderie, friendship and understanding shared between the American and South Korean governments and the citizens of both nations.

He stated, more than once, that the "democratic aspirations of the Korean people have been suppressed," and that this continuing dictatorial rule practiced by the Chun Doo Hwan regime was seen by the Korean people as being condoned, if not callously encouraged by the United States.

"The American support for the dictatorship can destroy the relationship between the Korean and American peoples," Kim warned, pointing to the 1981 Kwangju mas-

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Students Call Boycott Of "Union-Busting" Firms

By David Snouffer

Two 3Ls are urging their fellow second and third year students not to work for 26 law firms that they claim engage in "union-busting activities."

In a draft of a letter they planned to circulate to 2Ls and 3Ls this week, the students, Michael Dinnerstein and David Prouty, said they hoped students would "decide that their considerable talents would be better utilized doing other legal work."

Prouty said he is contacting students because nine of the firms are among about 900 that have scheduled visits to HLS during the fall recruiting season, which begins Oct. 7. "There's not that much information out there about these firms," Prouty said.

The AFL-CIO has learned that the 26 firms conduct "campaigns of fear" to intimidate and mislead

workers who are considering whether they want unions to represent them," Prouty said.

"I think the workers' right to have a free election in an uncoerced environment is being threatened," he added.

Prouty said the lawyers he criticizes advise employers to frighten workers with threats of layoffs or outright plant closings if unions are not kept out of their enterprises. The attorneys also hold plant supervisors responsible for producing anti-union votes by workers under them, McDonald said.

One of the targeted firms, Seyfarth, Shaw, Fairweather and Geraldson of Chicago, is especially "notorious," Prouty said. The firm advised Yale University administrators during an employee strike there last year.

However, Andrew Laidlaw, Seyfarth's managing partner, said in a telephone interview from Chicago

that his firm "played a moderating role" during the Yale strike and "would never engage or participate with a client in a campaign of intimidation."

"We don't believe it's appropriate," he said, "and we don't believe our clients are well served" by such tactics because the National Labor Relations Board overturns most unfair employee referenda on unions.

Instead, Seyfarth's attorneys only advise employers to "tell their story" during union referendum campaigns, Laidlaw said. "It's appropriate for [employees] to get objective information from both sides" when workers are deciding whether to join a union, he said.

McDonald said attorneys have become increasingly involved in anti-union campaigns since the early 1970's. A random survey conducted by the AFL-CIO showed that in the "past few years" lawyers ran 72 percent of employers' campaigns during union referenda, he said, and employers or their advisers employed unfair labor practices in 35 percent of the campaigns.

By contrast, Laidlaw said Seyfarth has done "dramatically less campaign work" during the same period, and advising union campaigns amounts to only five percent or less of the firm's labor practice.

Seyfarth's labor lawyers spend much of their time advising clients on their dealings with government regulatory agencies, such as the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration and the Environmental Protection Agency, he added.

But Laidlaw said "there's no question" that some law firms do run more aggressive anti-union campaigns.

Prouty said a number of students have responded positively to his boycott idea.

"A boycott is a good old American way of people expressing themselves," HLS Professor Andrew Kaufman said.

Kaufman, who teaches a Legal

1L Program Short On Sponsors

By Hillary Richard

The ambitious Alumni-1L program, designed to match Harvard 1Ls with Harvard alumni in the Boston area, appears to be suffering this year due to insufficient alumni participation.

First-year law students were sent applications for the program in July of this year. Many students now wonder why they have not yet been contacted by either the attorneys to whom they were matched, or the Alumni-1L program. Most students believed that they would be contacted by their alumni sponsor some time this month. Unfortunately, however, as September draws to a

close there remain 75 to 100 students without sponsors.

The problem encountered by the program this year is a shortage of alumni willing to participate in the program. Approximately 2500 Boston alumni were mailed applications, each being asked to sponsor one, or even two, students. Only 285 alumni responded favorably. Over one-fourth of the approximately 370 students interested in the program were therefore unable to participate.

The Alumni-1L program was created by the Harvard Law School Association in 1981. Molly Geraghty

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Ginsburg To Head Up Antitrust Division

By Tegan M. Flynn

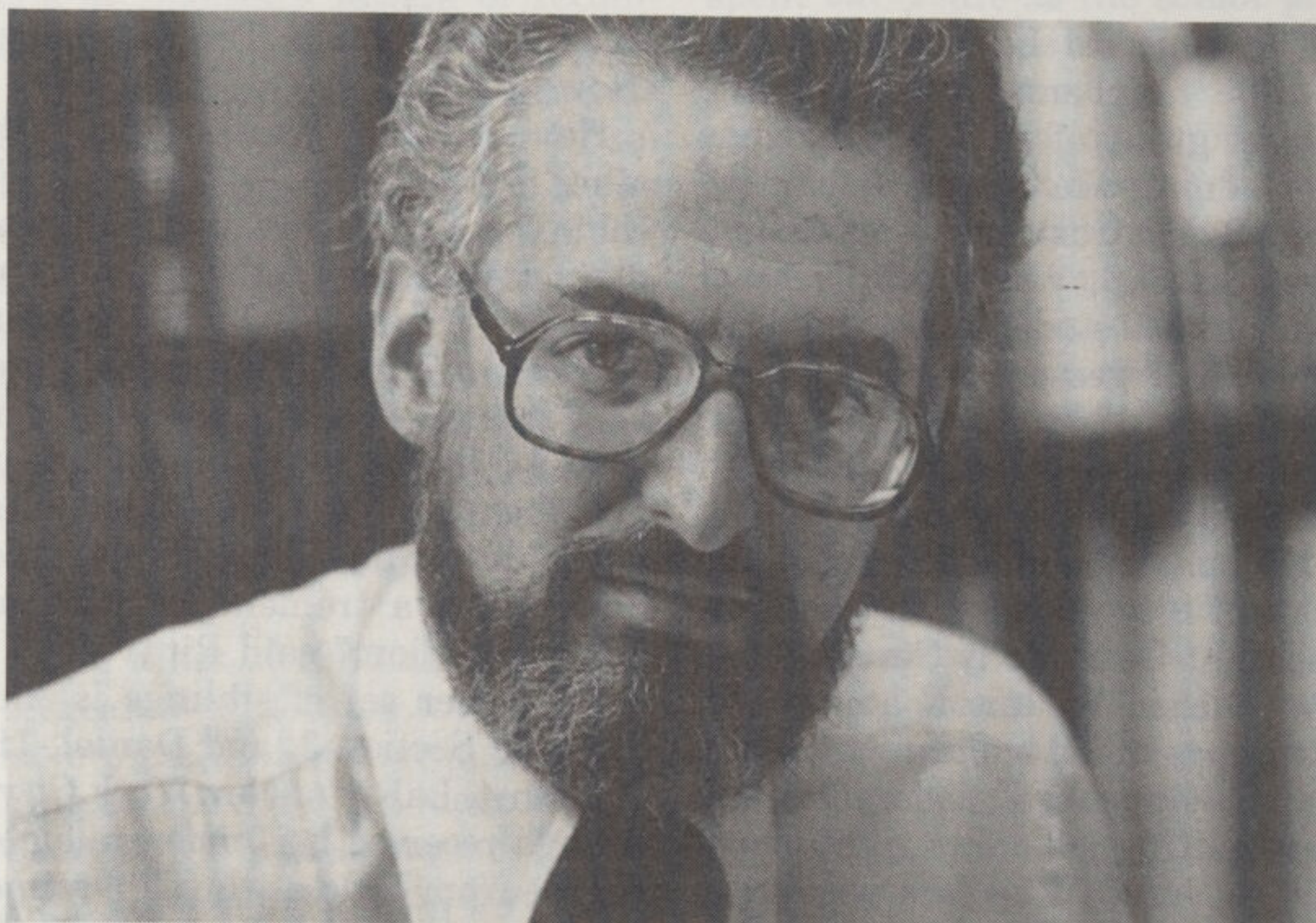
A recent memorandum from HLS Dean Jim Vorenberg to the faculty and staff announced the United States Senate's approval of the presidential nomination of Douglas Ginsburg to the position of Assistant Attorney General in charge of the Antitrust Division of the Justice Department.

Ginsburg, assistant professor of law at Harvard from 1975-81 and full professor since 1981, has spent the past two years in Washington, D.C. From 1983-84 he acted as Deputy Assistant Attorney General of the Antitrust Division. In this position, Ginsburg "oversaw regulatory antitrust issues," according to Nell Minnow, special assistant to Ginsburg.

From July 1984 until his present appointment, Ginsburg was Officer of Management and Budget Administration for the Office of Information and Regulatory Affairs. According to Minnow, this office "spearheads the Reagan administration's regulatory relief programs."

The office reviews all government regulations and forms from the various agencies and "tells them whether what they do is wise or not" by examining their cost effectiveness and consistency with each other, Minnow explained.

In his current position, Ginsburg will not only be involved in regu-



Harvard Law School Yearbook

Professor Douglas Ginsburg

latory issues, but also in looking at the whole range of antitrust issues for the Justice Department, Minnow noted. She added that he would be overseeing all criminal and civil litigation as part of this position. Ginsburg was currently visiting one of his offices in New York as part of his effort to visit all the bureaus he will be in charge of. Therefore, he could not be reached for comment.

As a result of the University policy prohibiting the members of the faculty from extending a leave of absence beyond two years, Ginsburg has resigned his professorship to begin his new post.

Ginsburg received his J.D. from the University of Chicago in 1973, where he was Articles Editor of the

Law Review. He was law clerk to Judge Carl McGowen, U.S. Court of Appeals, DC Circuit, from 1973-74 and to Justice Thurgood Marshall, U.S. Supreme Court, from 1974-75.

In his years at Harvard, Ginsburg generally taught courses in the areas of Antitrust, Banking Law, Regulated Industries, and the Regulation of Broadcasting.

Vorenberg described Ginsburg as a "constructive member of the faculty." He added that Ginsburg was very involved not only in teaching but also in research and in administrative committees.

Ginsburg was also involved with the curriculum review committee. He "made a series of important contributions" to HLS, according to Vorenberg.

Ginsburg was always working on two or three writing projects at any given time, Vorenberg noted. He cited Ginsburg's work on interstate banking featured in an issue of the Hofstra Law Review as an example.

Minnow described Ginsburg as still being "very attached to Harvard."

Vorenberg noted that "He's somebody we all very much admire," and that HLS was "happy for him and the government, but we really will miss him."

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Brothers, Sisters, Doctors And Police:

The Harvard Law School Class of 1988 numbers 573, among the largest group of students that has been admitted to the school for some time. By contrast, the Class of 1986 numbers 548, while the Class of 1987 has 549 students. Two hundred twelve colleges are represented in the Class of 1988. Applications were received from students in seven hundred different schools.

No one knows exactly why the Class of 1988 ended up so large, but Assistant Dean Molly Geraghty has some ideas. "We anticipated that a few things would happen that didn't. Many high-powered undergraduates were getting job offers right out of college, interesting jobs with very good pay. We thought that this would decrease our yield, but it didn't," stated Geraghty. She also commented that undergraduates from Yale, who traditionally accept admission offers in low amounts, accepted HLS' offers at a high rate this year.

Geraghty also stated concern existed that the wide-spread publicity over Critical Legal Studies would hurt admissions. Instead Geraghty believes that the publicity made HLS look like "a lively, yeasty place where the action is going on."

Brothers and Sisters

The Class of 1988 also has a family touch to it. Among its numbers are two sets of non-twin siblings, each a sister-brother pair. The twist to this coincidence is that the Admissions Department was completely unaware that they had admitted siblings. "It just didn't strike us. We don't do admissions alphabetically," commented Geraghty.

The first pair of siblings are Rita, 1L Section 1, and Tomas, 1L Section 3, Morales from Arvin, California. Rita attended UC-Davis, while Tomas was at UC-Santa Barbara. Rita is one year older than Tomas, having taken a year after graduation to work as a Management Analyst for the Sacramento Army Depot.

"Everybody asks us if we are twins," commented Tomas. "Then they ask who is older and if we are

in the same section. Then they say, 'How quaint!'"

How do they like having each other nearby? "She looks after me," said Tomas. "Before we left," explained Rita, "my father told me to take care of him." And how are their parents reacting? "Our parents are very proud of us, but it is hard for them to grasp the significance of it all. They are Mexican/Americans with first-grade educations. We have made a tremendous leap in one generation," said Rita.

The other set of siblings is Andrea, 1L Section 3, and Daniel, 1L Section 4, Labov of New York City. Andrea received her undergraduate degree from Yale at the same time Daniel received his from Stanford. Andrea is one year older than her brother. Daniel skipped a grade "a long time back" so they attended high school and college at the same time.

Daniel was the first to decide to accept HLS' offer, and he told Andrea that she had to go there with him. "Daniel wanted me to come along to help him take notes. He isn't the best at taking notes. I decided to come along with him because he is much better at explaining things," revealed Andrea.

Andrea explained that she and Rita discovered the "sibling connection" after they were assigned to be roommates in Hastings Hall. They did not know at the time that the admission Department was unaware that they had admitted the sibling pairs. "We thought someone

was having fun with the rooming assignments," commented Andrea.

Like the Morales siblings, the Labovs enjoy having each other nearby. "She takes care of me when I'm sick," said Daniel. "We don't fight very much," added Andrea. They get to see each other frequently because Daniel lives right above Andrea and Rita.

And their parents' reaction to having two of their children at HLS? "We've already started a law firm as far as my mother's concerned," said Daniel.

Brother

The class of 1988 also includes a "brother" of a different sort. William Dooling, 1L, section 1, comes to HLS after a quarter of a century as a Brother in the Congregation of Holy Cross, a Catholic religious order. Dooling described his position in the Catholic church as more analogous to that of a nun than that of a priest. He noted that the Congregation of Holy Cross administers many educational institutions, including Notre Dame University.

Indeed, Dooling spent most of his 25 years as a Brother teaching. Almost 18 of those years were spent at a Catholic high school in San Antonio, Texas, where he served a predominately hispanic population.

In San Antonio, Dooling also served as an administrator. His work there, involved far more than just teaching and running the school. After 1968 when his diocese cut off funding for his school, much of his effort was spent fund raising.

In this regard, his efforts extended into various fields, and encompassed benefit concerts on behalf of the school and various business ventures including a soap distributorship. At one point, Dooling even promoted a boxing match to raise money for the school.

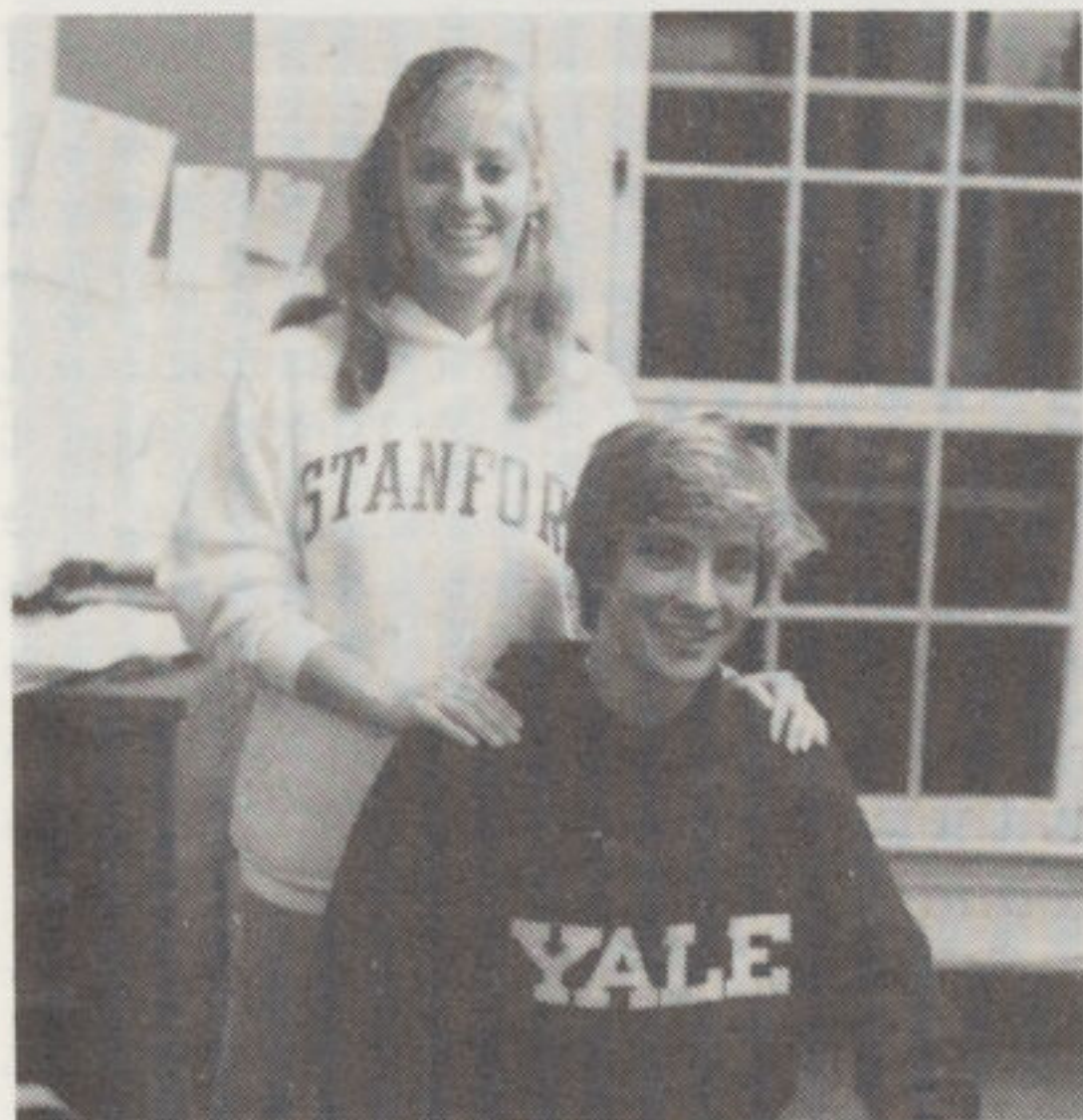
In 1982, Dooling left ended San Antonio, to take a teaching job at a Catholic school in St. Croix in the U.S. Virgin Islands. He had gone to St. Croix looking for relaxation and recuperation because his health had deteriorated dangerously as a



Adele Hendrix

1Ls Rita and Tomas Morales

Interesting Students Come To HLS



Adele Hendrix

1Ls Andrea and Daniel Labov

result of the pressure and pace of his work in Texas. However, during a contemplative walk along the beach one day, he was shot twice during a hold-up. It was this near-fatal experience which pushed him into the decision to go to law school. It was a step that had been in the back of his mind for some time, but the incident convinced him that "time is too important" to keep putting off things one wants to do.

Interestingly, Dooling's decision to attend HLS, once he had decided to go to law school somewhere, was encouraged by a former student Dooling had encouraged to attend HLS some years before. Indeed, that former student — now a partner at a San Antonio law firm — wrote

one of Dooling's letters of recommendations.

Dooling indicated that he intends to use his law degree in work "related to the goals and work of the Church in some direct or indirect fashion," though he was not certain exactly what form his work would ultimately take. It could be through "private practice, a firm, a church agency, whatever," he noted.

Medicine Man

The Class of 1988 also boasts an individual who came to law school from a medical background. Leslie Beitsch received his degree from Georgetown in Washington, D.C. in 1980. Having gone to medical school on a Health Profession Scholarship Program from the Air Force, Beitsch spent 1981-85 practicing in the Air Force.

After graduation Beitsch spent one year at the Medical University of South Carolina in Charleston on a civilian deferment getting additional medical training in order to develop a medical specialty. Although the Air Force implied to Beitsch that the deferment would be extended another two years so that he could finish his specialty work, the Air Force sent him off to a year in Izmir, Turkey. There he did an internship in Internal Medicine. The Air Force then sent him to Chicksands, England where he

spent two years as the senior physician on the base because he had graduated from medical school one month earlier than anyone else there. In England, Beitsch did "primary care" work which is in essence general practice. Beitsch then spent last year in Wichita, Kansas.

Dissatisfied that the Air Force did not let him finish his work on his specialty, Beitsch left the Air Force. He hopes to combine his law degree with a Masters in Public Health or Public Policy with an aim of working with the National Institutes of Health or another large medical organization helping to determine medical public policy.

Police Officer

Karen Burns, 1L, section 2, came to the academic study of law after spending seven years "studying" the law from an entirely different perspective as a member of the police department in Chicago.

One of Burns' years was spent as a civilian employee of the department. She also spent several years in a "beat car" — i.e., doing the patrol work which everyone thinks of when they think of the job a police officer does.

More interesting, Burns said, were two years she spent as a member of a special, city-wide unit with responsibility for the city's public housing.

Her duties as a part of the special unit were more extensive than the basic police duties of officers in beat cars. As a member of the special unit, she said, her job was "more tactical," and kept her tied into all stages of investigations rather than just the preliminary stages in which an officer in a beat car would be involved. The work with the special unit, she said, was quite challenging, but "more fun" than her previous duty.

The decision to attend law school, Burns said, was sort of a "next logical step" from her job as a police officer. It is a step which many police officers take, though most attend law school at night and continue work during the day.

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Cigarettes Become A Burning Legal Issue

By Vincent Chang

Harvard College Professor of English Literature John M. Bullitt died last month of lung cancer, three months after thrusting himself into the midst of a national controversy over tobacco company liability for diseases allegedly caused by cigarette smoking.

Bullitt, who died at age 64, discovered one year ago that he had lung cancer. In June, Bullitt sued three tobacco companies and a trade association for \$5 million each in Massachusetts federal court, alleging that the companies had misled and deceived the public about the unreasonable danger posed by cigarette usage. However, Richard A. Daynard, co-chairman of a tobacco plaintiff's coordinating group, the Tobacco Product Liability Project (TPLP) notes that Bullitt's widow may decide to discontinue the case, explaining that the suit is "up in the air at this moment."

Even if Bullitt's particular suit does not proceed, Bullitt's case has brought national attention to the cigarette liability cases — a rapidly expanding sector of products liability law. Forty similar cases are currently pending nationwide. Daynard envisions that another 20 will be filed by the end of the year, and predicts literally one thousand or more cases if the first plaintiff wins.

Bullitt's case is relatively typical of the cases filed thus far. As in three-fourths of the cases, lung cancer is the disease allegedly caused by cigarettes. Most of the other cases also resemble Bullitt's in that most cases are frequently brought at the urging of the victim, but the victim generally dies about a year after the diagnosis of lung cancer. Another similarity lies in the nature of the complaint: like most of the other cigarette pleadings, Bullitt's asks for a multi-million dollar recovery and alleges products liability, negligent misrepresentation, and breach of warranty theories. Finally, like the other cases, Bullitt's case is on the cutting edge of the law in this area:

no cigarette case has been decided recently and only a handful of cases were decided in the 1960s.

While Bullitt's death may result in the dropping of his lawsuit, this movement has attracted another Harvard professor to the other side of the fray. A recent *Harvard Crimson* story noted that HLS Professor Paul Bator is attempting to convince "judges that existing warnings on cigarette packages protect companies from liability suits."

While the plaintiffs have never recovered any money from cigarette companies in similar suits, Daynard sees a number of differences between current cases and the cases of the 1960s.

First, Daynard maintains, the increasing amount of evidence that

smoking kills large numbers of people should allow plaintiffs to decisively prove the causal connection between smoking and lung cancer — a connection that was difficult to prove in the early 1960s. Apart from the legal causation issue, the evidence of smoking's harms also creates a new anti-smoking climate — in the midst of which juries sympathetic to cancer victims may be found.

Secondly, products liability law has evolved radically within the last two decades. Suits have held the manufacturers of products such as asbestos, toxic chemicals, and birth control devices liable for the dangers inherent in those products.

Daynard analogizes the smoking

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Boycott The Boycotts

The students of Harvard Law School appear to have a new way to protest against law firms that do legal work students dislike: they boycott the interviews of those law firms and actively encourage other students to do the same. Last week the RECORD reported a story about a student organization which was boycotting law firms representing South Africa. This week the RECORD reports on students attempting to boycott firms that represent management in companies undergoing unionization. Although members of the board of the RECORD support boycotting as an effective means of protest, this whole boycott movement makes me uneasy.

The American legal system is based on the idea that everyone is entitled to obtain the best possible legal representation that he can. A statement that the Constitution does not guarantee the right to representation in civil cases is irrelevant to the issue. Any interference in people's decision of a law firm creates an unhealthy precedent. Once boycotting firms because they represent unpopular clients becomes acceptable, boycotts of firms based on any of their policies become acceptable. Boycotts of firms that do pro bono work or firms representing unions in labor disputes or firms representing any special interest become appropriate. The resulting "bad press" can be damaging to a firm, no matter how terrible or noble its clients, as qualified, well-trained law students stay away from the controversy and the risks it entails.

The question must also be asked: if one of these boycotters discovered that the firm he was working for represented a client that he disapproved of, would he resign his position? Probably not. And the fact that he was unaware of the client ahead of time would be no excuse.

Another question: should a law firm be condemned because of one of its clients? I am sure that many of those targeted law firms do work that would be quite acceptable to the boycotters. But those "good" clients would lose their chance at exceptional representation because they share the services of a firm with "bad" clients.

Finally, the boycotters appear to support the proposition that the only way to effect change is to withdraw completely from any involvement with any organization associated with unpopular causes. As of this writing, Harvard University still has connections with the South African government. If the boycotters of the firms representing South Africa are to be true to their ideals, then they should withdraw from any contacts with Harvard as well. If they then flip their rationalization to "It is best to change things from within," then they should be encouraging students to join those targeted firms so that they can more easily change the policy of the firms from within.

G.K.K.

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Fenno

Fenno looked at the 1L seated next to him at the Back Bench. The 1L seemed so eager and excited to be at HLS.

"It's just a world of opportunity. So much to do. This school and town are just so great," the 1L giddily stated.

"What could you possibly mean?" queried Fenno in the tone he reserved for conversations with 1L's and bag people in Harvard Square.

"Well, once I was accepted to Harvard, all my friends and relatives started talking about all the great things to do in Boston. Everybody just loves Boston. I can't wait to get out and see all the things they talked about."

"Oh, yeah," replied Fenno, "like what?"

"For starters, there's the Freedom Trail. When my grandparents were here they walked the entire Trail. They told me it was quite educational and entertaining. Where else in America can you find so much history located in such a small area? I assume you have walked the Trail several times, given how long you've been here."

"You're talking about those red bricks lined up all over downtown? I guess I have walked the part that runs from Filene's to Faneuil Hall."

"Surely you have been to the Minuteman Memorial between the historic towns of Lexington and Concord. You know, where they 'fired the shot heard round the world,'" replied the 1L.

Fenno thought for a second. Hadn't he learned at HLS that the American Revolution was fought to advance the interests of the propertied classes at the expense of the poor and exploited? What could some dumb bridge in Concord have to do with dialectical materialism? Fenno took the easy way out. "No, I've never seen the battle site. There's no easy way to get there via the Red Line."

"How about the MFA and the ICA?"

Fenno answered, "I don't talk about the Geneva Arms Negotiations."

"No, I mean 'Museum of Fine Arts' and 'Institute of Contemporary Arts,'" shot back the uppity 1L.

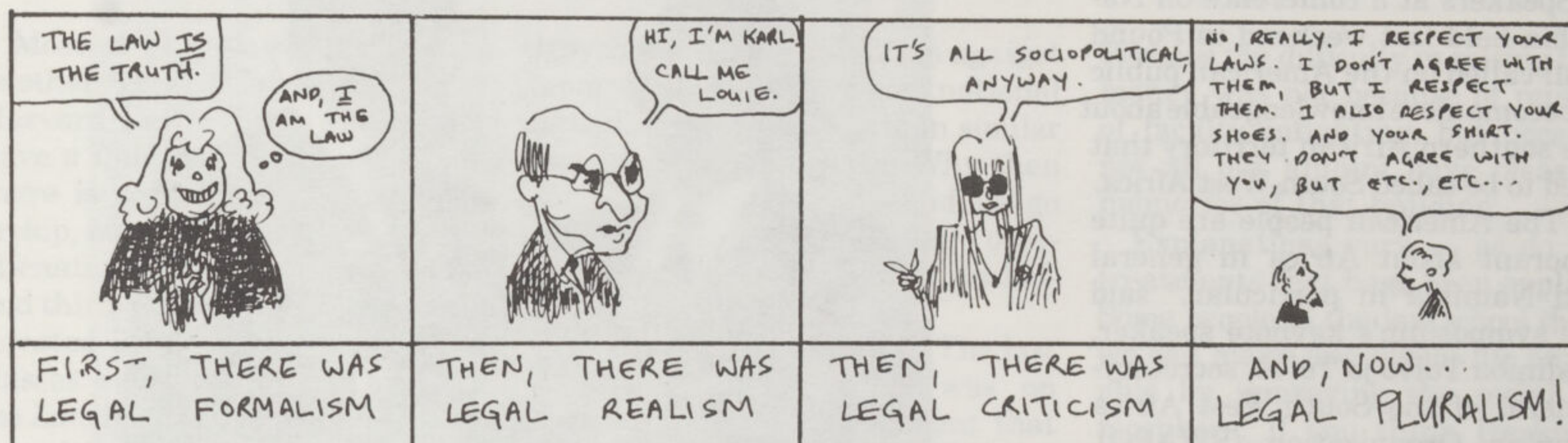
"Well, I've seen the paintings in Langdell North Middle and Langdell South, and I once walked into the Langdell Reading Room by mistake. Is that really Dean Sacks up on the wall? Oh, and once a year, I go to the Coop's poster department. That's all the art I need." Fenno was a man with taste.

The 1L was amazed. Is this what seven years of law school could do to someone? Could three years be just as deadly? Fenno must have been to Fenway Park. Baseball is America's game. "You've been to Fenway Park, haven't you?"

Fenno smiled. "Yeah, I've been there many times. But I don't usually remember much after I pass out from an overdose of beer and Fenway Franks."

"The In-Law"

by Jinku Lee



Letters to the Editor of the Record

Comp Timing May Change

To the Editor:

As I was quoted several times in your recent story on the *Law Review* writing competition, I would like to clarify a question that your story, I think, addressed in a somewhat misleading manner. I am writing solely for myself. I am not an official spokesperson of the *Law Review*.

Your article did not clearly differentiate two distinct aspects of the writing competition: the criteria used to choose new editors, and the timing of the writing competition.

Letters Policy

All letters submitted to the RECORD are read by the RECORD's staff. Many of them appear on our pages, subject only to editorial discretion. We encourage letters on any subject, particularly those subjects which have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter. All letters submitted become the property of the HARVARD LAW RECORD Corporation.

This past year, all prospective editors were required to take the writing competition: half were then chosen on the basis of the writing competition alone, and half were chosen on a combined 70% grades, 30% writing competition score. It is only as to these basic criteria the REVIEW is, in my judgment, unlikely to alter its policy this year.

As to the timing of the competition, however, the REVIEW is now contemplating a change from the June competition. In considering this change, the editors of the REVIEW are motivated by precisely the same concerns that students expressed in your story. Inequities resulted from the fact that many students could not afford to lose a week's wages, while some but not all employers were willing to pay people during the week of the competition; and the competition was all the more burdensome for coming almost immediately after exams. Contrary to the suggestion of your article, the REVIEW is not committed to retaining the June date. Although, as your story explains, no time is entirely attractive, the members of the REVIEW are trying to find the best timing for all concerned.

The members of the REVIEW want to make it possible for everyone to enter the writing competition, and to minimize its burdens. For that reason, we will soon solicit the views of this year's 1Ls and 2Ls about the timing of the writing competition.

Carleton Montgomery, 3L

Sports Quiz

By Russ Marsh

As a follow-up to last week's quiz on Pete Rose, the topic of this week's quiz is major league baseball career records not held by Rose (or Ty Cobb for that matter).

1. Nicknamed "The Gray Eagle," this former Cleveland Indians star had a career batting average of .344 and was also one of the greatest defensive centerfielders of all time. Who holds the record for most career doubles?
2. This future hall-of-famer recently moved into the top ten on the career home run list. While leading his teams to five world championships during the seventies, he also established a record for whiffs which may never be equalled. Who is the all-time strikeout king?
3. This player was Ty Cobb's teammate for many years with the Detroit Tigers. He was also the only player ever to lead both major leagues in home runs. What player holds the record for most career triples?
4. This former Boston Red Sox pitcher also holds the record for highest career slugging percentage. Who holds the record for most bases on balls during his career?
5. This turn-of-the-century pitching star played the bulk of his career for the Chicago White Sox, chalking up 40 wins for them in 1908. Who holds the record for lowest career earned run percentage?

Next Record:
Oct. 4

Conference Calls Attention To Namibia

By David Snouffer

Speakers at a conference on Namibia held last weekend in Pound Hall called on the American public to become more knowledgeable about the southern African territory that used to be called South-West Africa.

"The American people are quite ignorant about Africa in general and Namibia in particular," said the symposium's keynote speaker, Andimba Toivo ja Toivo, secretary-general of the South-West Africa People's Organization (SWAPO). SWAPO is fighting a guerilla war against South African forces which occupy the territory in defiance of United Nations decrees and World Court rulings.

While Americans may be more aware of events in South Africa and Nigeria, "little attention has been paid to Namibia," added Toivo ja Toivo, a founding member of SWAPO.

The Namibian situation should, however, be important to Americans who oppose apartheid, the South African system of racial separation, according to Gerald Horne, national director of the New York-based National Conference of Black Lawyers, which sponsored the symposium with the Harvard Black Law Students Association.

"A chain is only as strong as its weakest link," Horne said, "and the weakest link supporting apartheid is Namibia."

South Africa began occupying the former German colony on its north-west border after World War I under a League of Nations mandate. The United Nations terminated the mandate in 1966.

Linkage With Angola Criticized

Toivo ja Toivo blamed the Reagan administration's insistence on linking South Africa's occupation of Namibia with the presence of Cuban troops in neighboring Angola, as well as its policy of trying to persuade South Africa to enact reforms through "constructive engagement," for stalling U.N.-spon-

sored negotiations designed to bring independence to the territory.

The black nationalist leader also criticized President Reagan for attacking human rights violations committed only by the Soviet Union and its allies, even though "our people are suffering both at home and in [refugee] settlements in Angola and Zambia." Reagan "is only concerned with the rights of those who defend the rights of the United States," he said.

"Beneath his heart, he's praising the racist and minority regime in South Africa," Toivo ja Toivo added.

Toivo ja Toivo called on the U.S. government to impose mandatory economic sanctions against South Africa more severe than those ordered by the President on Sept. 9. He also said Congress should reinstate a ban lifted earlier this year on U.S. aid to guerrillas fighting the Soviet-backed government of Angola.

The Angolan rebels also receive assistance from South Africa. The United States has not recognized a government in Angola since Portugal granted it independence in 1975.

South African forces have committed "atrocities against our women and children," Toivo ja Toivo said. An interim government

for Namibia established in June with South Africa's blessing "has no support among the Namibian people," he added.

By contrast, Toivo ja Toivo said, SWAPO seeks to "regain control of our natural resources and the soil" and to wage a "national war on poverty, ignorance and disease." Never again, he added, would Namibians allow "racist capitalists" to use them as mere "labor units."

Both the African leader and Horne praised a bill sponsored by Rep. Patricia Schroeder (D-Colo.) to address the export of Namibian minerals by American multinational corporations. Horne said multinationals are engaged in the "plunder" of the territory's abundant natural resources, which include diamonds, copper, zinc, lead, uranium, cadmium and manganese.

In addition, Henry Richardson, Professor of Law at Temple University in Philadelphia, said that because South Africa's occupation of Namibia violates international law, multinationals that export minerals under South African licenses can conceivably have their profits challenged in law courts around the world.

Richardson also said SWAPO

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Adele-Marie Hendrix

Boston City Council Member Charles Yancey, left, presents Andimba Toivo ja Toivo, Secretary General of Swapo, with a Boston City Council Resolution welcoming Toivo to Boston.

More Than The Law Is Undecided

by Justin Hughes

Most of us have settled down to another year of unsettled life at Harvard Law School. Marx would have a field day here, not because there is so much left wing scholarship, but because there is so much alienation. It's rare to find second and third-year students who are interested in more than one of their classes each semester. This year, the *Law Review* had to prod students to write Notes and, at this paper, it's common to find editors who want to avoid every aspect of law school life except the monotony and pandemonium of weekly production sessions. The lively president of two HLS student organizations summed up a lot of this frustration. "They should abolish third year," she said.

A social scientist might be bewildered at all this. The students at HLS do not have a hard time getting a Harvard Law degree and for a minimum of effort, the society rewards them with vastly more goodies than it gives to Marx's factory workers. The third quarter earnings of TWA and the Sheraton chain must thrive on our fringe benefits. Among opportunities for social change, HLS students have the best chances for the few public interest jobs and the clerkships with ever fewer liberal judges. The Harvard label opens doors for almost

anything. A demonstration against apartheid at Harvard gets national attention more quickly than similar acts at Michigan State. Why then do many — or most — of us go through life here feeling overworked, isolated, and unchallenged?

The problem is not new. The last time Justice Blackmun was on campus, he told one student that he loved undergraduate life at Harvard College, but really didn't enjoy his years at Harvard Law School.

"Law School is a place to make good friends, but not best friends"

Justice Blackmun has fond memories of moot court at HLS, but not of life at HLS. Perhaps he, like us, compartmentalized his existence here, identifying a thin slice of life here as more tolerable than the rest. Law School never was and perhaps never was meant to be a lovefest.

Even so, the administration is anxious about the lack of *esprit* at Harvard Law School. Dean Vorenberg met last year with groups of third-year students in an effort to ferret out the cause of unhappiness. And well he should be concerned. It was not easy raising the money to refurbish Austin Hall.

Perhaps the difficulty in raising that money was not because of reports of faculty infighting, but because not all our alumni have pleasant memories of that building.

Explanations vary — as do the treatments that have been applied. Some people in the law school think we can make law school life enjoyable by improving the social atmosphere. If you think Harkness Commons has a cold, unpleasant atmosphere now, you should have seen it a few years ago. Organizations like DSAC and the BSA as well as administrators like Dean Upton have definitely succeeded in making HLS more palatable to the social senses. Other faculty and administrators regard this as a needless sweetening of law school life. Perhaps they are correct, or at least correct in the sense that added spice cannot make the meal tasty if the basic ingredients are wrong.

Another approach is self-analysis, a kind of 'put our profession on the couch' solution. This answer has been popular with Dean Vorenberg and many of the left-wing faculty — as odd a combination as Brennan concurring in a Rehnquist dissent. But Alan Dershowitz answering, "Was Shakespeare Right?" does not seem like the best potion to treat law school malaise.

Martha Minow has put interesting material on how lawyering affects one's life in her courses. To many, a dash of Tolstoy and articles like "Can Lawyers Love?" are great stuff. To others, it is beyond the pale of a civil procedure course: they came to learn a profession, not be lectured on how to live, thank you.

One answer may be radical surgery on the curriculum. For example, a first-year course in adjusting to a lawyering life might be the answer to the expectations argument of those who want civil procedure in a civil procedure course. Other "easy" curriculum surgery might include writing

(Continued on Page 16)



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Cigarette Companies Are Challenged In Court

(Continued from Page 6)

suits to a recent Massachusetts case in which the plaintiff recovered because of inadequate warnings on birth control pills. Daynard argues that "warnings are not enough. They have to be sufficient warnings; extremely vague warnings won't make it under modern products liability law."

Addiction Argument

Thirdly, Daynard cites the onset of the "addiction" argument as a major evolution in plaintiff's theories. One primary defense argument was and is that the plaintiff assumed the risk of lung cancer by voluntarily smoking with full knowledge of smoking's consequences.

Plaintiffs today, however, are asserting that cancer victims began to smoke before the warnings were put on cigarette packages and, once hooked, could not give up smoking. Daynard contends that "evidence shows that it is easier to quit heroin addiction than cigarette addiction."

Daynard even argues that the warning is totally inconsequential, claiming that most people start smoking before the age of eighteen and hence the warnings have little, if any effect, upon impressionable young minds. Again, the argument goes, once addicted, those who later find out about the risks of smoking simply cannot stop.

Fourth, Daynard contends that the plaintiff's bar is far more sophisticated than ever before. Daynard noted that "plaintiffs are used to defendant's tactics, plaintiffs won't get bowled over and there are more deep pockets than ever on plaintiffs' side." Daynard attributes this recent sophistication to the fact that the probability of success appears higher today than it had in the past.

Moreover, Daynard expresses the hope that his group can improve the organization and effectiveness of plaintiff's counsel. Daynard describes the role of his organization as one of "networking, coordinating,

providing backup services for plaintiff's counsel and providing a bridge between the legal and medical communities."

His Tobacco Product Liability Project is also embarking on a number of new initiatives, most prominently, the establishment of the *Tobacco Products Liability Reporter*, a publication that will 10 times per year report on cases, legal commentary, medical testimony, and other aspects of cigarette products liability cases.

Daynard describes the plaintiff's bar as being very "cooperative . . . they realize that they are fighting against a huge and coordinated industry."

Fifth, Daynard contends that the defendant's forces have embroiled themselves in an inconsistent position. On the one hand, Daynard maintains, the companies have contended that cigarette smoking is not harmful to one's health.

Yet, on the other hand, the tobacco companies have alleged that the perception of smoking's harms is so widespread that all who choose to smoke have assumed the risk. Daynard wonders "whether the defendants will abandon one or other horn of the dilemma or whether they will charge forward."

Uphill Battle

Despite Daynard's optimism, however, the plaintiff's forces still face an uphill battle. Daynard concedes that the assumption of risk defense is, to the layman, a "persuasive" argument.

Daynard also admits that few courts have upheld the addiction argument. Daynard cited a Texas case in the late 1960s which held that the lack of warning on an addictive drug was sufficient grounds

(Continued on Page 15)

Alumni May Still Sponsor 1Ls

(Continued from Page 2)

assigns alumni to students. She takes into consideration each student's interests, undergraduate institution, and the proximity of the student to his or her hometown. The program was designed to "enrich the students' law school experience" by offering 1L's a first-hand look at the legal profession and by helping to familiarize them with the Boston area.

The program itself is very flexible and open-ended. The alumni sponsors can choose the type of activities they wish to pursue with their student. Some choose to meet the students for breakfast, lunch, or dinner, either at a restaurant or club, or at the sponsor's home. Other sponsors invite students to observe a court session.

There are no set rules as to the type of activities which can be enjoyed, nor is a time limit imposed on the relationship. Both students and alumni sponsors speak of the program as a successful and enjoy-

able experience. This consensus was verified by a questionnaire filled out by both groups after last year's program.

There is still some hope that this year's program can be equally successful. Neither the Assistant Dean's Office, nor the Harvard Law School Association, has contacted the unmatched students, as they view the assignment process as ongoing. They still hope to find interested alumni to sponsor the remaining students.

The program has met with similar problems in the past, and it has occasionally been necessary to issue a second mailing to the alumni, although that is a costly procedure which has not yet been done this year.

The Harvard Law School Association is hopeful that alumni will continue to fill out and mail in their original forms. There is still time for willing alumni to sponsor students and ensure the continuing success of this program.



Predictions Made About Korea's Future

(Continued from Page 1)

sacre, where U.S. armed units allegedly permitted South Korean troops to organize around the Korean city of Kwangju. Kim also noted other violent and destructive incidents, including the 1982 arson of the U.S. cultural center in Pusan, and a seige in Seoul this past year in which disaffected students held American citizens hostage for a few hours.

The Korean dissident compared what he said was a growing popular animosity toward the Chun military authoritarian system and the U.S. with feeling during the Korean War, when the United States and South Korea, alongside U.N. troops, repelled a North Korean invasion in a "three-year struggle."

Kim observed that the original division of the Korean peninsula at the end of the Second World War was the result of the Cold War "international order of two giant superpowers (the United States and the Soviet Union)."

The Cold War, as it erupted in divided Korea resulted ultimately in heavy American bombing of the North and restoring the 38th parallel as the geographic boundary between the two Koreas. Over 53,000 Americans died in the Korean War. Now, according to Kim, there are "two million soldiers on

the border, heavy military hardware and nuclear weapons." There are "more soldiers" on the Korean peninsula than on the "Israeli-Syrian border," and these are sufficient "to destroy our homeland many times over," he said.

Furthermore, "because of the competing ideologies and the role of the superpowers," in the view of Kim, the "enmity, fear and mistrust characterizing inter-Korean relations may precipitate new wars." He added later that "Korea will become the second Vietnam."

"Genuine national security is feasible only when the government and people are one," Kim noted in contrasting his doctrine of "struggle, dialogue and coexistence" which could lead to democracy in authoritarian South Korea and Communist North Korea with the generals' musical chairs system in Seoul.

He said that "instead of a war without victory," as many Americans considered the Korean and Vietnam Wars, "we must think of victory without war." This "victory without war" would consist of respect for fundamental liberties, human rights and democracy. Notwithstanding the preference for peaceful, evolutionary means — Kim does not favor actual revolution to overthrow Chun — Kim still said that people ought to be ready for

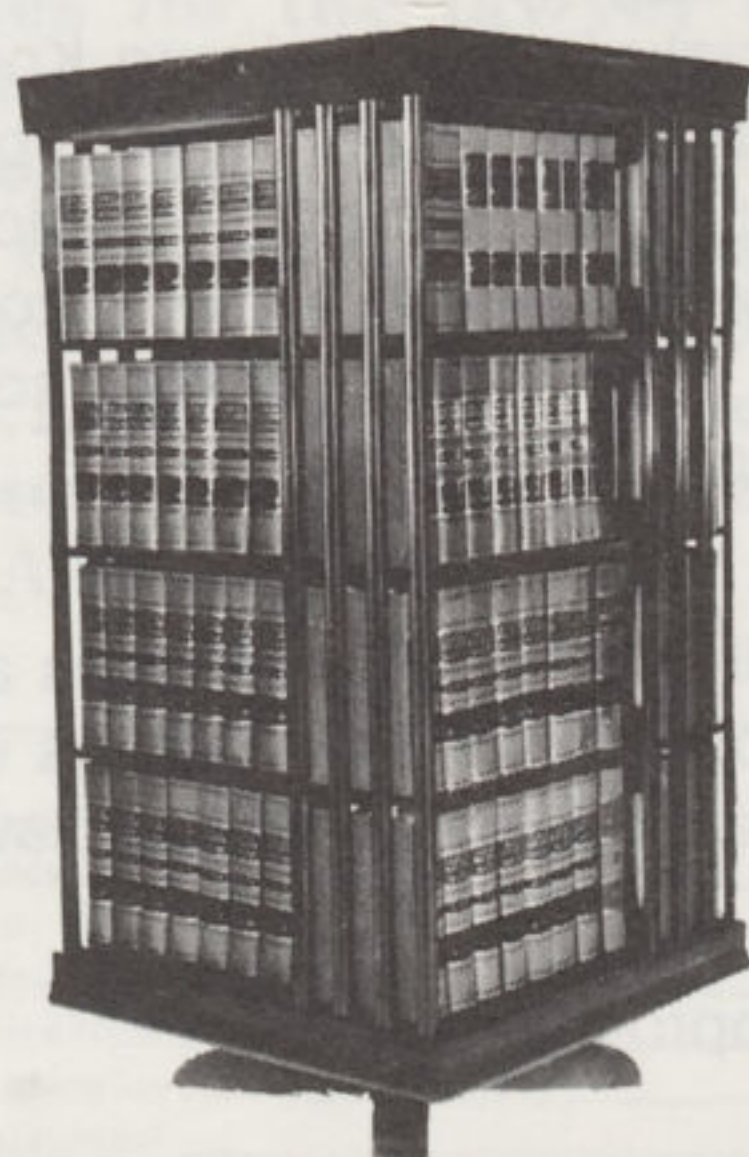
self-sacrifice, "giving up their lives if need be." Kim crystallized his promotion of self-sacrifice with an emotional example: "American soldiers should not have died in vain."

A South Korean democratic government in light of the shared language, culture and geography, would usher in a compatibly free and peaceful North Korea, Kim predicted. "I am firmly convinced that the Korean people will overcome the military dictatorship and establish a peaceful, united regime. This will be one step for world peace."

His justifications for such optimism included (1) factions within the South Korean armed forces that oppose violence and who believe that Chun Doo Hwan should not continue as President beyond 1988, (2) the deteriorating economic situation which will adversely affect workers and businessmen alike ("small- and medium-sized businesses are filing for bankruptcy," he said.), (3) widespread student and rural protest, (4) the global trend toward democratization and liberalization, and (5) exposure of South Koreans to alternative political systems.

The self-awareness of the South Korean people has grown tremendously," Kim said.

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Boycott Urged

(Continued from Page 2)

Profession class, said he had not heard of the proposed boycott or of the AFL-CIO's charges but said students should consider their professional responsibilities when they choose a law firm.

"If you work for somebody, you ought to have some sense of what you're going to spend your life doing," Kaufman said.

The other targeted firms which have scheduled recruiting visits to HLS this fall are: Andrews, Kurth, Campbell and Jones of Houston; Arendt, Fox and Kintner of Washington; Bond, Schoenbeck and King of Syracuse, N.Y.; Jackson, Lewis, Schnitler and Krupman of New York; Littler, Mendelson, Falstaff and Tichy of San Francisco; Morgan, Lewis and Bockius of Philadelphia; Pechner, Dorfman, Wolfe, Rounick and Cabot of Philadelphia; and Vedder, Price, Kaufman and Kammholz of Chicago.

Byse Visits University Of Iowa

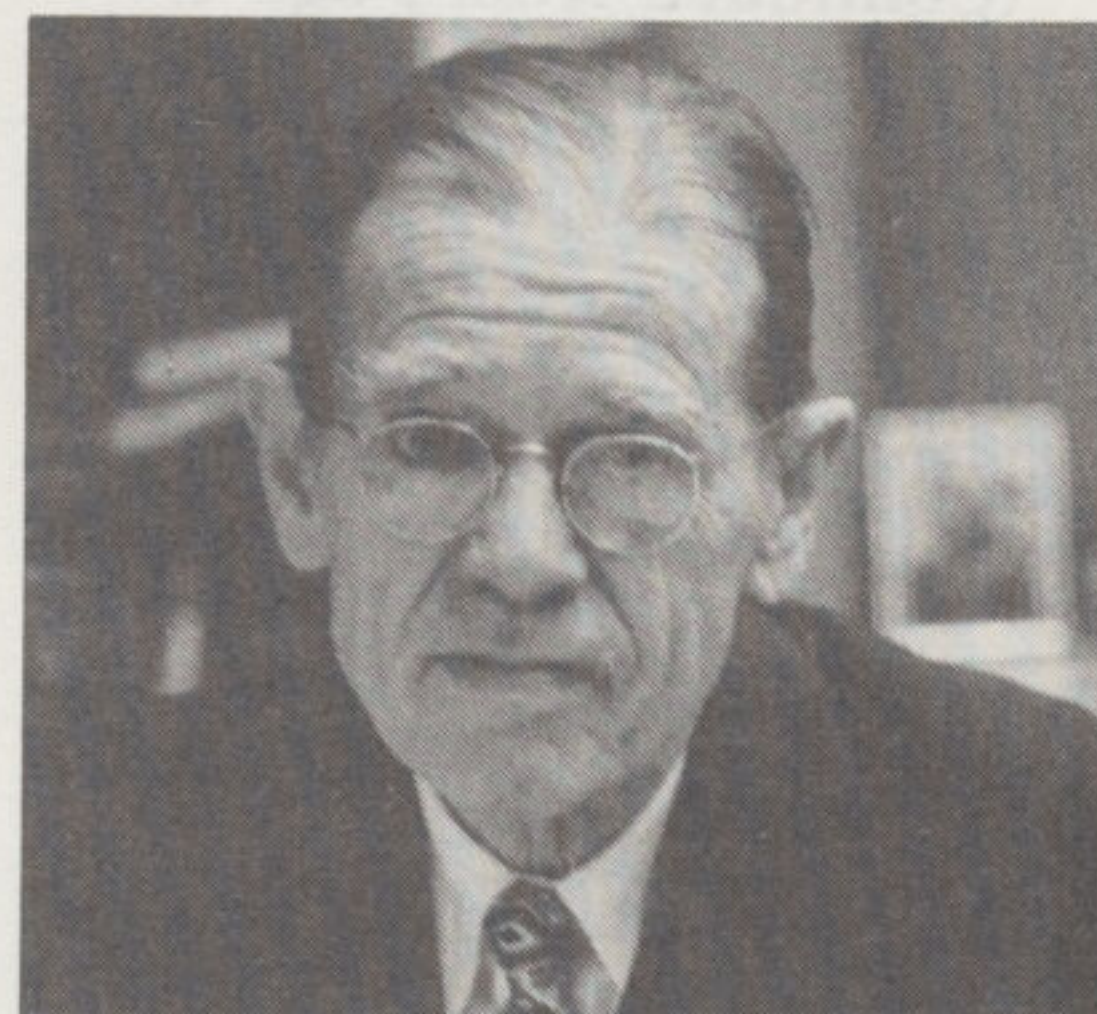
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Pennsylvania, and he has since devoted his life to legal education.

Harvard welcomed Prof. Byse to the faculty in 1957. He has also taught as visiting Professor at Stanford University, University of Texas, University of Wisconsin, and University of Minnesota.

Byse is a leading expert on administrative law and has co-authored two texts and written numerous articles on the subject. Although "Ad. Law" is his specialty, it was his first-year Contracts class which won him recognition (and perhaps notoriety) among law students at Harvard and elsewhere: Byse is rumored to be one of several professors who inspired creation of the infamous Professor Kingsfield of *The Paper Chase*. Of course, Kingsfield teaches Contracts.

Although some of Byse's charm is rooted in his ability to terrify students, he expresses surprisingly



Harvard Law School Yearbook

Prof. Clark Byse

benevolent views on law students in general and his students in particular. "My students have always been paragons of industry, intellect, etc. . . ." he joked from his office at Iowa. Even such light-hearted remarks cannot hide the core of Clark Byse's success: his unwavering enthusiasm for legal education will be missed at HLS.

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Singapore-Asean: June 9–July 30

Focus of the program to be held at the National University of Singapore will be the legal systems and cultures as well as the legal aspects of international investment and development in the countries of Asean. Internships required after the academic courses with Singapore and Bangkok (Thailand) law offices.

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Smokers Take Court Action

(Continued from Page 12)

upon which liability could be based. However, few, if any cases, have alleged the addiction argument since that time and hence it is unclear how courts and juries will react to the concept.

Besides the legal obstacles, courts are likely to fear the practical consequences of liability which would threaten the \$30 billion tobacco industry.

Daynard backs away from the possibility of bankrupting the entire tobacco industry, claiming that "cigarettes would continue to be sold — maybe even should be sold — to people who are addicted. But the demand for tobacco is highly price-sensitive and they [the current tobacco suits] might prevent another generation of smokers from emerging."

Nonetheless, the possibility of spillover into other consumer product areas exists — if the cigarette suits succeed, alcohol and maybe

even fatty foods could be the next targets.

Again, Daynard downplays such threats, arguing that the causal relationship of "death to the product" is much weaker in both the fatty food and alcohol examples. Alcohol, for example, kills only 100,000 people — compared to a figure of 350,000 fatalities from cigarettes, Daynard claims.

Furthermore, the percentage of people addicted to both fatty foods and alcohol is far lower than comparable cigarette figures, Daynard alleges. However, Daynard contends that it may be only just to make alcohol manufacturers more responsible for the supposed consequences of their product.

Thus, Bullitt's suit and Daynard's organization stand at the epicenter of a legal challenge which threatens to profoundly change products liability doctrine and which will — for better or worse — affect the lifestyles of millions of Americans.



Conference

(Continued from Page 10)

should oversee the formation of an independent Namibian government because the U.N. has recognized the organization as the "sole legitimate representative" of the Namibian people. If South Africa succeeds in converting the territory into a buffer state without complete control of its own foreign policy, the arrangement would deal a "blow to the authority of international law."

When Namibia becomes independent, he said, other countries will have to provide "some kind of international counterweight" to prevent South Africa from dominating the new country politically and economically.

Although the speakers expressed concern about the position of the Namibian people, Toivo ja Toivo said he also saw a "silver lining in the dark cloud." Recent unrest in South Africa is "making the [apartheid] system unworkable and the country ungovernable," he explained.

"The capitalists, the industrialists and the financiers themselves are admitting . . . there is no business as usual," he said. "They want negotiations now."

A delegation of white South African businessmen met leaders of the outlawed African National Congress in Zambia on Sept. 14, in spite of the South African government's objections.

At the same time, however, Toivo ja Toivo vowed to keep fighting. "There are no exceptions to the dictates of history," he said. "Namibia shall be free. Victory is certain."



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Sports Answers

1. Tris Speaker
2. Reggie Jackson
3. Samuel ("Wahoo Sam") Crawford
4. Babe Ruth
5. Edward ("Big Ed") Welsh

The Unsettled Issues At Harvard Law School

(Continued from Page 11)

courses taught by faculty not students, and the halving of the present year of contracts.

Of course, this may not address a deeper reason for people being uninterested in self-reflective lectures and unhappy with the law school world. Perhaps we are young enough to miss the camaraderie of college days and too old to be as open and carefree as we used to be. Law school is a place to make good friends, but not best friends. There is always a barrier, whether it's a defense mechanism of insecurity or a rut of settled ways, that seems to prevent the spontaneous closeness of college.

At the same time, law school life is involved and isolated enough to prevent all but a passing interest in current events. Only a few rise above the walls of this professional world to get involved in outside political and social issues. We are at an odd point where a young professor's lecturing on life is as threatening as it is inspiring.

Another reason for the unhappiness at HLS is a kind of disappointment. One faculty member has a lucid perception of the situation. He thinks that the average student comes to HLS having been the best and brightest throughout college only to find that here, he or she is no longer a bright star glowing in the warm air of faculty attention. A law firm summer filled with positive reinforcement convinces the student that practice,

not academics, is the heart of the beast. Law school becomes a holding pattern, a goose who takes a painfully long time to lay the golden egg. The result is alienation.

If this is right, alienation is endemic to HLS, but why isn't there the same alienation in Harvard College where they gather the best high school students? Perhaps part of the answer is the lucrative nature of a law firm summer. Perhaps part of the answer is the faculty itself. To say that most of the HLS faculty is cool toward students would be an

Dershowitz answering "Was Shakespeare Right?" is not the best potion to treat law school malaise

understatement. My impression is that the faculty is full of wonderful people, most completely uncomfortable relating to students.

A final source of our malaise may be the lack of direction at the law school. The law school is too hierarchical to feel democratic and too divided to be led by any single person. The result is a school that gives the impression of inaction and belated reaction — to its students, to the law community, and to the rest of the university.

The heyday of HLS in the twentieth century was under Dean Erwin Griswold. During his tenure dorms were built, HLS was constructed, the law school fund was started, and HLS embarked on becoming an international institution. Today our

major projects are refurbishing Austin and making modest expansions in the clinical curriculum.

Dean Vorenberg has provided impeccably stable leadership, but we have no grand agenda. Jimmy Carter's words about diminished expectations seem to be the theme. Holmes' grandiloquent "life is an experiment" seems gone from our vocabulary.

These days the Administrative Board pursues students who protest apartheid, but it pursues them with a cautiousness that displays uncertainty in their (and our) place in the university. They may appreciate that there is a certain hypocrisy in an institution which prosecutes people who protest the virtual equivalent of slavery while accepting a three hundred thousand dollar grant to study human rights. It would be nice to have an administration with sufficient strength and foresight to drop diplomatically the charges against these students and then make it clear to the rest of the university that that is *our* human rights position. In practice, there is very little the rest of Harvard could do.

In the end, or at least the happy ending, dissatisfaction finds its outlet in change. One of the means for that change — perhaps the means we are most committed to as lawyers — is rational discourse. With that goal in mind, the RECORD will be publishing more commentary in the future on a greater variety of subjects. In future issues of these pages, there will be commentary on Reagan's appointments to the judiciary and the law school's appointments to its faculty, discussions of Washington's social programs and HLS's clinical programs, debates about the role of law in international relations and of Harvard in the world of law. With luck, we will help push the law school and ourselves into settling some of the pressing issues before us.

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